

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-3, 7, 9-18, and 20-23 were pending in this application. In this Amendment, claims 1, 11, and 17 have been amended. Accordingly, claims 1-3, 7, 9-18, and 20-23 will still be pending in this application upon entry of this Amendment.

In the final Office Action mailed July 27, 2007, claims 1-3, 7, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,326,766 to Small ("Small"). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Small in view of U.S. Patent No. 6,049,192 to Kfoury ("Kfoury"). Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Small in view of Kfoury and further in view of U.S. Patent No. 6,014,009 to Wierzbicki ("Wierzbicki"). Claims 9, 17, 18, 20, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Small in view of Wierzbicki.

Applicants wish to thank the Examiner for the thorough examination of claims in the Office Action of July 27, 2007, which has aided in Applicants' understanding of the Examiner's position regarding the teachings of the cited art. Applicants specifically acknowledge with thanks the Examiner's indications of features that distinguish over the cited art in the Response to Arguments section at page 16 of the final Office Action. In the Advisory Action mailed October 30, 2007, the Examiner further specified the Examiner's position with respect to features deemed taught by the cited art.

Rejection Of Claims 1-3, 7, And 21 Under 35 U.S.C. §102(b)

Applicants acknowledge and concur with the Examiner's position set forth in the final Office Action that Small does not teach a battery drawer cover completely inside a body. In

response, Applicants have amended claim 1 to include the latter feature. In the Advisory Action, however, the Examiner asserted that the amendment to claim 1 (to recite a battery drawer cover completely inside a body) is not supported by the specification. To address the Examiner's concerns raised in the Advisory Action, Applicants have amended claim 1, as discussed in detail below.

Accordingly, in the following, Applicants first point out how claim 1, as amended herein, raises no new matter issues. Secondly, Applicants point out how claim 1 is not anticipated by the cited art.

In the Advisory Action, under the heading "Continuation of 3b," the Examiner asserted that Applicants' disclosure does not support a battery drawer cover that is disposed completely inside the body. To support this assertion, the Examiner asserted that Figure 2 of the present application illustrates that a battery drawer cover is flush with a front of the body when fully in the closed position. Moreover, the Examiner asserted that both "Applicant's prior art" in Figure 1 of this application, and U.S. Patent No. 5,654,870 disclose a flush mounted battery drawer.

Applicants acknowledge that a front portion of the battery drawer 209 is referred to as a battery drawer *front* cover that can become flush with the body 400 when the battery drawer is closed. However, the specification at paragraphs [0023] – [0024], as well as Figures 4-6, clearly discloses a "battery drawer cover" 600 that is affixed to the body of the device containing the battery drawer. This battery drawer cover 600 shown in Figure 6 is flipped over and affixed to body 400, for example, using the holes 604 of flanges 602 in registration with screw posts 402. (Paragraph [0023].) The battery drawer 200 is free to slide underneath battery cover 600. (Paragraph [0023].) Thus, battery drawer cover 600 is a distinct feature of the present invention separate from battery drawer front cover 209. To clarify that the recited battery drawer cover is

not the front cover 209 that is *affixed to the battery drawer*, Applicants have amended claim 1 to recite a battery drawer cover *affixed to the body*, wherein the battery drawer is slidably moveable thereunder, which is fully supported by the portions of the specification related to Figures 4-6.

Another inventive feature of battery drawer cover 600, as discussed in paragraphs [0023] – [0024] of this application, is that the battery drawer cover is affixed to the body (see Figures 4 and 6) such that access to the battery drawer cavity 203 containing the batteries is not possible even if the interior of the device body is completely exposed (paragraph [0024]). Thus, as depicted in Figures 4 and 5, if a user opens up the body 400 when the battery drawer is inserted in the device body 400, the user is prevented from being shocked because the battery drawer cover 600 (see Figure 6 and related text) is affixed in place to body 400 and thereby covers the inserted battery drawer (containing batteries and connections to circuitry, which could potentially cause a shock).

One of ordinary skill in the art would readily appreciate that battery drawer cover 600 must be contained within body 400 to perform as described above. Thus, the feature of a battery drawer cover disposed completely inside the body is by necessary implication disclosed in Figures 4-6 and the appurtenant text. However, to advance prosecution of this application, and to further clarify the invention, Applicant has amended claim 1 to recite a battery drawer cover affixed to the body, wherein when the battery drawer is in the closed state, even if an interior of the body is exposed, the battery drawer cover obstructs access to the cavity (of the battery drawer).

The above combination of features related to a battery drawer cover are accordingly fully supported by the present invention. Moreover, these features cover subject matter that the Examiner has not alleged is taught in the cited art, and indeed, is not disclosed, inherent, or

suggested by the cited art. Accordingly, upon entry of this Amendment, Applicants respectfully submit that claim 1 should be in allowable condition.

Rejection Of Claim 10 Under 35 U.S.C. §103(a)

The rejection of claim 10 in the final Office Action was predicated upon the rejection of claim 1, from which it depends. Because amended claim 1 is patentable for the reasons stated above, Applicants respectfully submit that dependent claim 10 is also patentable due at least to its dependence on an allowable base claim. Applicants therefore respectfully request that the rejection of claim 10 under 35 U.S.C. §103(a) be withdrawn.

Rejection Of Claims 11-16 Under 35 U.S.C. §103(a)

Consistent with the Examiner's indications in the final Office Action, Applicant has amended claim 11 to clarify features distinguishable over the combination of Small, Kfoury, and Wierzbicki. Specifically, independent claim 11 has been amended to recite a combination ejector and electrical circuit maker *all of whose components are completely* disposed inwardly within the body with respect to any rechargeable battery held in the battery drawer. Support for this amendment can be found in the present application, for example, in Figures 4-6 and the relevant discussion, such as paragraph [0025]. As depicted, for example, in Figures 4-6, contacts 610 that form part of an electrical circuit maker (see paragraph [0026]) are disposed inwardly with respect to any batteries in drawer 200. In addition, springs, such as springs 612 or 415, form an ejector portion of the combination ejector and electrical circuit maker. All of these components are disposed inwardly within the body with respect to any battery held in the battery drawer, as recited in claim 11.

To support the rejection of claim 11, the Examiner asserted that catch 224, release 225, and strip 259 of Figure 17 of Small disclose a combination ejector and electrical circuit maker.

However, those elements clearly fail to disclose a combination ejector and electrical circuit maker *all of whose components are disposed inwardly* within the body with respect to any rechargeable battery held in the battery drawer, as recited in amended claim 11.

In the Response to Arguments section, the Examiner asserted that elements 253 and 254 form part of catch 224 of Small, and are inward with respect to a battery. However, the element depicted as 224 in Figure 17 of Small is clearly disposed outwardly with respect to batteries housed in device 200. Accordingly, all of the components of the purported combination electrical circuit maker and ejector of Small, that is elements 224, 225, and 259, are *not disposed inwardly* with respect to the batteries, as recited in amended claim 11. This applies whether or not elements 253, 254 are considered part of element 224. Nor do the teachings of Kfoury or Wierzbicki address this deficiency in Small with respect to the claimed combination electrical circuit maker and ejector. Accordingly, the teachings of Small, in view of Kfoury and Wierzbicki, are deficient in at least this manner with respect to the features recited in amended claim 11. Likewise, Small in view of Kfoury and Wierzbicki must fail to teach all of the features recited in claims 12-16, all of which depend from claim 11, and thereby include the complete combination of features recited in claim 11. Applicants therefore respectfully request that the rejection of claims 11-16 under 35 U.S.C. §103(a) be withdrawn.

Rejection Of Claims 9, 17, 18, 20, 22, And 23 Under 35 U.S.C. §103(a)

Claim 9 depends from amended independent claim 1, and therefore includes at least one feature not disclosed in Small, as discussed above with respect to amended claim 1. Accordingly, the teachings of Small, in view of Wierzbicki, are deficient in at least this manner with respect to the features recited in claim 9. Applicants therefore respectfully request that the rejection of claim 9 under 35 U.S.C. §103(a) be withdrawn.

The Examiner asserts in the Advisory Action that amending claim 17 to add the word "battery" does not overcome the prior art. However, as noted in the previous response filed September 27, 2007, Applicants have amended claim 17 to provide proper antecedent basis, not for purposes of narrowing the scope of the invention. Accordingly, to the extent that the Examiner has not addressed Applicant's arguments set forth in the previous response, these arguments are restated below.

In the final Office Action, to support the rejection of claim 17, the Examiner asserted that Wierzbicki discloses a battery drawer wherein, when the battery drawer is released to be in an open state, the at least one spring acts to push the battery drawer away from the protrusion, such that any electrical circuit previously established is opened, as recited in claim 17. The Examiner stated that Figure 2 of Wierzbicki illustrates that rechargeable battery 27 is pushed out of device 11 when released. Although, as arguably illustrated in Figure 7A of Wierzbicki, a rechargeable battery may be pushed into or released from a device 11, Applicants respectfully submit that Wierzbicki does not disclose that a battery *drawer* is being pushed out of the device; rather, only the battery itself is being pushed out.

In the Response to Arguments section of the final Office Action, the Examiner asserted that Figure 1B of Wierzbicki shows a top view of a battery drawer/cartridge with two springs that serve to push out the entire drawer. Applicants note that Figure 1B is referred to in Wierzbicki as a cross-sectional view. Applicants conjecture that the Examiner may have meant to refer to Figure 1A, which is referred to in Wierzbicki as a bottom view, and address below remarks in regard to the latter figure as well as other related disclosure of Wierzbicki.

Although Figure 1A depicts springs 55 and 57 that serve to compress batteries held in battery cavity 15 (Wierzbicki, column 5, lines 32-39), Applicants find no support in the figures

or text of Wierzbicki for the assertion that the springs act to eject a *battery drawer*. Whereas, cavity 15 might arguably constitute a drawer, springs 55 and 57 are attached to the same housing 13 that contains the cavity 15; thereby, springs 55 and 57 may act to compress batteries within cavity 15 or even to eject batteries out of cavity 15, but cannot eject cavity 15 itself because they are contained within cavity 15.

This interpretation is confirmed by Figures 7A-7D and 8A-8D of Wierzbicki, which illustrate a cavity for holding batteries that is an integral part of housing 11. Nowhere does any figure depict a battery *drawer* that is ejected from a housing.

The Examiner also relied upon Figure 2 of Wierzbicki as purportedly disclosing the feature recited in claim 17, wherein, when a battery drawer is released to be in an open state, at least one spring acts to push the battery drawer away from the protrusion such that any electrical circuit previously established is open. The Examiner pointed to rechargeable battery 27 and device 11. However, Figure 2 does not show a rechargeable battery 27, but merely shows a top view of a cover 79 extending underneath device 13. From the depiction in Figures 8B and 8C, and appurtenant description, cover 79 is clearly a cover that slides over a cavity housing the batteries. There is no spring associated with the cover; the cover is not a battery drawer.

Wierzbicki is therefore completely deficient as to the feature recited in claim 17, wherein, when a battery drawer is released to be in an open state, at least one spring acts to push the battery drawer away from the protrusion such that any electrical circuit previously established is open.

At least for these reasons, the combination of Small and Wierzbicki fails to teach or suggest all of the elements recited in claim 17. Applicants therefore respectfully request that the rejection of claim 17 under 35 U.S.C. §103(a) be withdrawn. For at least the same reason,

claims 18, 20, and 23, which depend from claim 17, are also patentable over the combination of Small and Wierzbicki, and their rejection under 35 U.S.C. §103(a) also should be withdrawn.

Claim 22 depends from intervening claim 7 and amended base claim 1. Accordingly, the rejection of claim 22 was predicated upon the rejection of claim 1, from which it depends. Because amended claim 1 is patentable for the reasons stated above, Applicants respectfully submit that dependent claim 22 is also patentable due at least to its dependence on an allowable base claim. Applicants therefore respectfully request that the rejection of claim 22 under 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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